



COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS	REDEVELOPMENT AGENCY
Dennis Kennedy, Mayor	Dennis Kennedy, Chair
Hedy Chang, Mayor Pro Tempore	Hedy L. Chang, Vice-Chair
Larry Carr, Council Member	Larry Carr, Agency Member
Greg Sellers, Council Member	Greg Sellers, Agency Member
Steve Tate, Council Member	Steve Tate, Agency Member

WEDNESDAY, MAY 7, 2003

AGENDA

JOINT MEETING

CITY COUNCIL REGULAR MEETING

And

REDEVELOPMENT AGENCY SPECIAL MEETING

7:00 P.M.

A Special Meeting of the Redevelopment Agency is called at 7:00 P.M. for the Purpose of Conducting City Business.

Hedy Chang, Mayor Pro Tempore/Vice-Chairperson

CALL TO ORDER

(Mayor Pro Tem/Vice-Chairperson Chang)

ROLL CALL ATTENDANCE

(City Clerk/Agency Secretary Torrez)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(City Clerk/Agency Secretary Torrez)

7:00 P.M.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

Bike to Work Week – May 11 to May 17, 2003
Karl Bjarke, Public Works Department

National Public Works Week – May 18 to May 24, 2003
Karl Bjarke, Public Works Department

RECOGNITIONS

Recognition from Senator Bruce McPherson for Completion of Community and Cultural Center
Presenter - Hedy Chang

Recognition from Senator Bruce McPherson for Completion of Community Playhouse
Presenter - Hedy Chang

CITY COUNCIL REPORT

Mayor Pro Tem Chang

CITY COUNCIL SUB-COMMITTEE REPORTS

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

OTHER REPORTS

PUBLIC COMMENT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.
(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND
PRESENT IT TO THE CITY CLERK.**
(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE
CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY
COUNCIL/REDEVELOPMENT AGENCY.**

City Council Action

CONSENT CALENDAR:

ITEMS 1 - 9 The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time Estimate **Page**
Consent Calendar: 1 - 10 Minutes

1. **LEAGUE OF CALIFORNIA CITIES RESOLUTION** 1
Recommended Action(s): Provide Direction to Designated Voting Member.
2. **APPOINTMENTS TO THE PERCHLORATE CITIZENS ADVISORY GROUP** 5
Recommended Action(s): Approve the Mayor's Appointment to the Perchlorate Citizen Advisory Group.
3. **APPROVAL OF IMPROVEMENT AGREEMENT WITH SAFEWAY, INC.** 7
Recommended Action(s):
1. **Approve** the Improvement Agreement; and
2. **Authorize** the City Manager to Sign the Agreement on Behalf of the City with Safeway Inc.
4. **THIRD QUARTER REPORT, 2002-2003 WORKPLAN** 19
Recommended Action(s): Accept Report.
5. **BI-ANNUAL VACANCY RATE SURVEY** 43
Recommended Action(s): Establish the Bi-Annual Vacancy Rate for April 2003 as Recommended by the Planning Commission.
6. **SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND** 53
Recommended Action(s): Approve the Fiscal Year 2002-2003 Spending Plan for Supplemental Law Enforcement Services Fund.
7. **ADOPT ORDINANCE NO. 1614, NEW SERIES** 55
Recommended Action(s): Waive the Reading, and **Adopt** Ordinance No. 1614, New Series, and **Declare** That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING AN AMENDMENT TO ORDINANCE NO. 1523, NEW SERIES, TO AMEND THE DEVELOPMENT AGREEMENT TO INCORPORATE AN EXCEPTION TO LOSS OF BUILDING ALLOCATION FOR APPLICATION MP 00-09: LLAGAS-DELCO. (APN 764-32-005).
8. **ADOPT ORDINANCE NO. 1615, NEW SERIES** 61
Recommended Action(s): Waive the Reading, and **Adopt** Ordinance No. 1615, New Series, and **Declare** That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING AN AMENDMENT TO ORDINANCE NO. 1523, NEW SERIES, TO AMEND THE DEVELOPMENT AGREEMENT TO INCORPORATE AN EXCEPTION TO LOSS OF BUILDING ALLOCATION FOR APPLICATION MP 00-10: HALE -DELCO (APNS 764-32-012 & 013).

9. **ADOPT ORDINANCE NO. 1616, NEW SERIES, AS AMENDED**67
Recommended Action(s): **Waive** the Reading, and **Adopt** Ordinance No. 1616, New Series, as amended, and **Declare** That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING AN AMENDMENT TO THE THARALDSON PLANNED UNIT DEVELOPMENT (PUD) AND PRECISE DEVELOPMENT PLAN TO REPLACE TWO SIT DOWN RESTAURANTS (6,300 SQUARE FOOT AND 8,000 SQUARE FOOT IN SIZE) WITH A 3,253-SQUARE FOOT DRIVE-THRU FAST FOOD RESTAURANT AND A SIT DOWN RESTAURANT 5,000 TO 6,500 SQUARE FOOT IN SIZE. (APNs 726-33-023 & -024) (ZA-02-18: COCHRANE-IN-N-OUT BURGER/ APPLEBEE’S).

Redevelopment Agency and City Council Action

CONSENT CALENDAR:

ITEM 10

Time Estimate
Consent Calendar: 1 - 10 Minutes Page

10. **APPROVAL OF JOINT SPECIAL AND REGULAR REDEVELOPMENT AND SPECIAL CITY COUNCIL MEETING MINUTES FOR MEETING OF APRIL 23, 2003** 75

City Council Action

PUBLIC HEARINGS:

Time Estimate Page

11. 10 Minutes **DEVELOPMENT AGREEMENT APPLICATION, DA-00-01: CHRISTEPH-KOSICH**113
Public Hearing Opened.
Please Limit Your Remarks to 3 Minutes. Public Hearing Closed
Council Discussion.
Action- **Motion to Waive** the Reading in Full of Ordinance No. 1617, New Series
Action- **Motion to Introduce** Ordinance No. 1617, New Series by Title Only. (Roll Call Vote)
12. 15 Minutes **DEVELOPMENT AGREEMENT DA 02-09: DEWITT-MARQUEZ SUBDIVISION**139
Public Hearing Opened.
Please Limit Your Remarks to 3 Minutes. Public Hearing Closed
Council Discussion.
Action- **Motion to Waive** the Reading in Full of Ordinance No. 1618, New Series
Action- **Motion to Introduce** Ordinance No. 1618, New Series by Title Only. (Roll Call Vote)

13.	5 Minutes	<u>DEVELOPMENT AGREEMENT DA 03-01: CHRISTEPH-KAMANGAR/PINE BROOKS TRUST</u>	167
		Public Hearing Opened.	
		Please Limit Your Remarks to 3 Minutes. Public Hearing Closed	
		Council Discussion.	
		Action- <u>Motion to Waive</u> the Reading in Full of Ordinance No. 1619, New Series	
		Action- <u>Motion to Introduce</u> Ordinance No. 1619, New Series by Title Only. (Roll Call Vote)	

City Council Action

OTHER BUSINESS:

	Time Estimate		Page
14.	5 Minutes	<u>REQUEST TO CO-SPONSOR A “SUPPORT OUR TROOPS” EVENT AT THE COMMUNITY AND CULTURAL CENTER AMPHITHEATER</u>	191
		<u>Recommended Action(s):</u> Council <u>Discussion</u> and <u>Direction</u> Regarding City Co-Sponsorship of the “Support Our Troops” Event.	
15.	10 Minutes	<u>CONSIDERATION OF BECOMING A GREEN CITY</u>	193
		<u>Recommended Action(s):</u> <u>Provide Direction</u> to Staff.	
16.	5 Minutes	<u>STATE FUNDING FOR LIBRARY TRANSACTIONS</u>	195
		<u>Recommended Action(s):</u> <u>Provide Direction</u> to Staff.	
17.	30 Minutes	<u>DOWNTOWN PLAN UPDATE: TASK FORCE FINAL REPORT</u>	197
		<u>Recommended Action(s):</u>	
		1. <u>Review</u> the Task Force Final Report; and	
		2. <u>Direct</u> Staff to Make Any Necessary Changes.	

City Council and Redevelopment Agency Action

OTHER BUSINESS:

	Time Estimate		Page
18.	45 Minutes	<u>DRAFT ECONOMIC DEVELOPMENT STRATEGY</u>	207
		<u>Recommended Action(s):</u> <u>Discuss</u> and <u>Adopt</u> the Draft Economic Development Strategy (EDS).	

Redevelopment Agency Action

OTHER BUSINESS:

	Time Estimate		Page
19.	10 Minutes	<u>MORGAN HILL DOWNTOWN ASSOCIATION’S ANNUAL PROGRESS REPORT</u>	217
		<u>Recommended Action(s):</u> <u>Accept</u> the Morgan Hill Downtown Association’s Annual Progress Report for Fiscal Year 2002-2003.	

20. 10 Minutes FAÇADE IMPROVEMENT PROGRAM.....227

Recommended Action(s):

1. **Consider** Request for a “triple” façade grant for the Granary Project on Depot Street; and
2. **Discuss** Policy Regarding the Ability of Businesses Receiving Specific Assistance Packages From the Agency to Also Participate in Other Business Assistance Programs Offered by the City/Redevelopment Agency.

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT